

Title: Petition for the rehearing – Question # 27 in the customs broker exam April 2018

Name: Byungmin Chae

Case #: 2025-1379

Date: November 30, 2025

In regards to the decision of the United States court of Appeals for the federal circuit dated on November 19, 2025 the attention to the detail of the argument should be paid to the fact that the court chose not to exercise the authority in the appeal to consider arguments which were not presented in the lower court, the court of the international trade.

Here are the key findings the court missed in the decision.

1. The court should consider the case ruling of " Baxter I" and at the time of the exam it was legally effective by the constitution 4th amendment that the warrantless search of the mail packages was "unlawful"
2. This new fact that was not legitimately known or discoverable at the time of the first lawsuit can be the basis for the new case and prevent the application of the "res judicata"

As these new evidences are critical and play the essential role in the fairness of the court decision the failure to review these claims would result in the fundamental injustice. I would be looking forward to the cooperation at this time.

Sincerely

Byungmin Chae

Tel: 646-678-0066

Email: benchaeny@gmail.com